

ADVISORY COUNCIL ON CALIFORNIA INDIAN POLICY
EXTENSION ACT OF 1997

JUNE 9, 1998.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

REPORT

[To accompany H.R. 3069]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3069) to extend the Advisory Council on California Indian Policy to allow the Advisory Council to advise Congress on the implementation of the proposals and recommendations of the Advisory Council, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 3069 is to extend the Advisory Council on California Indian Policy to allow the Advisory Council to advise Congress on the implementation of the proposals and recommendations of the Advisory Council.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 3069, the proposed Advisory Council on California Indian Policy Extension Act of 1997, would extend the life of the Advisory Council on California Indian Policy (ACCIP) from April of 1998 until March 31, 2000. The ACCIP has issued eight reports on the topics of recognition, termination, health, education, culture, community services, economic development, and natural resources as well as an overview of California Indian history. H.R. 3069 would add various additional new duties to those provided for by Congress when the ACCIP was created in 1992.

COMMITTEE ACTION

H.R. 3069 was introduced on November 13, 1997, by Congressman George Miller (D-CA). The bill was referred to the Committee on Resources. On March 25, 1998, the Full Resources Committee met to consider H.R. 3069. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(1)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

FEDERAL ADVISORY COMMITTEE STATEMENT

H.R. 3069 reauthorizes an existing advisory committee.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact H.R. 3069.

COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 3069. However, clause 7(d) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 3069 does not contain any new budget authority, credit authority, or an increase or decrease in tax expenditures. According to the Congressional Budget Office, enactment of H.R. 3069 could affect receipts to the federal government and authorize direct spending because the ACCIP can accept and spend private donations. However, any new collections of receipts would be "insignificant."

2. With respect to the requirement of clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 3069.

3. With respect to the requirement of clause 2(1)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the

following cost estimate for H.R. 3069 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 13, 1998.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3069, the Advisory Council on California Indian Policy Extension Act of 1997.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Victoria V. Heid.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

H.R. 3069—Advisory Council on California Indian Policy Extension Act of 1997

Summary: H.R. 3069 would extend, until March 31, 2000, the authority of the Advisory Council on California Indian Policy (ACCIP). The bill also would expand the duties of the council.

CBO estimates that enacting H.R. 3069 would have no significant impact on the federal budget. Enacting the bill would affect direct spending and receipts; therefore, pay-as-you-go procedures would apply, but we estimate that any such effects would be insignificant. The legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 (UMRA) and would impose no costs on the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: Current law authorizes the ACCIP to operate until 180 days after it has submitted a report, made recommendations, and provided certain information to the Congress and to the Secretaries of the Interior and Health and Human Services. Because the council completed these reporting requirements on September 30, 1997, its operating authority terminated under current law at the end of March 1998. H.R. 3069 would extend the authority of the ACCIP to operate until March 31, 2000, and expand the duties of the council.

Current law authorizes the appropriation of \$700,000 for the Advisory Council on California Indian Policy. H.R. 3069 would not amend that authorization. The total amount authorized has already been appropriated for the council, and according to the Bureau of Indian Affairs (BIA), the council has spent nearly all of its allotted funds. Based on information from BIA, CBO estimates that continued operation of the ACCIP would cost an additional \$100,000 per year for the next two years, subject to appropriation of the necessary amounts.

The ACCIP can accept and spend private donations. Donations collected under this authority count as governmental receipts and their expenditure counts as direct spending. By extending the au-

thority of the council to operate until March 31, 2000, H.R. 3069 also would extend the council's authority to accept and spend donations. CBO estimates that any new collections of receipts would be insignificant.

Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. H.R. 3069 could affect both direct spending and receipts; therefore, pay-as-you-go procedures would apply. CBO estimates, however, that any changes in receipts from donations to the ACCIP and consequent changes in direct spending would both be insignificant.

Intergovernmental and private-sector impact: H.R. 3069 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on the budgets of state, local, or tribal governments.

Estimate prepared by: Victoria V. Heid.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 3069 contains no unfunded mandates.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ADVISORY COUNCIL ON CALIFORNIA INDIAN POLICY ACT OF 1992

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SEC. 5. DUTIES OF THE COUNCIL.

The Council shall—

(1) * * *

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(6) submit, by no later than the date that is 36 months after the date of the first meeting of the Council, a report on the study conducted under paragraph (3) together with the proposals and recommendations developed under paragraphs (2) and (5) and such other information obtained pursuant to this section as the Council deems relevant, to the Congress, the Secretary, and the Secretary of Health and Human Services; **[and]**

(7) make such report available to California Indian tribes, tribal organizations, and the public~~...~~; *and*

(8) *work with Congress, the Secretary, the Secretary of Health and Human Services, and the California Indian tribes, to implement the Council's proposals and recommendations contained in the report submitted made under paragraph (6), including—*

(A) consulting with Federal departments and agencies to identify those recommendations that can be implemented immediately, or in the very near future, and those which will require long-term changes in law, regulations, or policy;

(B) working with Federal departments and agencies to expedite to the greatest extent possible the implementation of the Council's recommendations;

(C) presenting draft legislation to Congress for implementation of the recommendations requiring legislative changes;

(D) initiating discussions with the State of California and its agencies to identify specific areas where State actions or tribal-State cooperation can complement actions by the Federal Government to implement specific recommendations;

(E) providing timely information to and consulting with California Indian tribes on discussions between the Council and Federal and State agencies regarding implementation of the recommendations; and

(F) providing annual progress reports to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives on the status of the implementation of the recommendations.

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SEC. 8. TERMINATION.

【The Council shall cease to exist on the date that is 180 days after the date on which the Council submits the report required under section 5(6).】 *The Council shall cease to exist on March 31, 2000.* All records, documents, and materials of the Council shall be transferred to the National Archives and Records Administration on the date on which the Council ceases to exist.

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